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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

PAR HOLMBERG ET AL :

EXAMINER: W. DOERRLER

SERIAL NO: 09/554,912 :

RCE FILED: APRIL 24, 2002 :

GROUP ART UNIT: 3744

FOR: MAGNETIC ENERGY STORAGE :

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AUG 06 2003

TECHNOLOGY CENTER R3700

PETITION FOR SUBSEQUENT SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103(a)  
PURSUANT TO MPEP § 1002.02(c)9

COMMISSIONER OF PATENTS

ALEXANDRIA, VIRGINIA 22313

SIR:

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Consistent with 37 C.F.R. § 1.103(a) it is respectfully requested that prosecution in the above-identified patent application be suspended for an additional six months, beyond the 12 months that prosecution has already been suspended. In view of the fact that the Board of Patent Appeals and Interferences has not yet finally decided an appeal with regard to U.S. Patent Application Serial No. 08/973,019, the rationale for granting the present petition is identical to that from the previously filed Petition for Suspension of Action ("original Petition"), which was granted approximately twelve months ago. A copy of the original Petition is attached hereto and the contents thereof are incorporated herein by reference.

At the time of filing the original Petition, it was believed that the decision from the Board of Patent Appeals and Interferences would have been completed within twelve months.

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Now it appears it may take another few months to finally complete the appeal process. In part this is due to the retirement and replacement of APJ Lall.


Thus, it is respectfully submitted that there are good and sufficient reasons why this subsequent suspension of action is necessary in this case. There are no outstanding Office Actions in the present application at this time because either (1) the application has not yet been examined, or (2) a response to a last Office Action was filed with the original Petition. If a response to the last Office Action has been filed, Petitioner warrants to the USPTO that the response is a complete response that addresses all rejections and objections in the last Office Action and Petitioner has no intention to modify or supplement that response unless required to do so in response to one or more provisions of any Board or Court opinion(s) in appealed case Serial No. 08/973,019.

Consequently, it is respectfully submitted that the present Petition meets the requirements of 37 C.F.R. § 1.103(a). Furthermore, Applicants respectfully request that the Petition to suspend action for an additional six months be granted. The fee as required under §1.17(h) for the present petition of \$130.00 is enclosed.

In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR § 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. § 1.136 for the necessary extension of time. A duplicate of this paper is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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